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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2171

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/931,992

Applicant(s)

SNOWBERG ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

*Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites "a single storage device." One of ordinary skill in the art would not be able to make and use the claimed invention because it is not clear what comprises a single storage device.

Claims 2-10 are rejected for being dependent from a rejected base claim.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a single storage device." The claim limitation is indefinite as a single user with a personal computer conducting a single browsing session will have a cookie stored on his/her hard-drive. This will always be the situation. The situation(s) where instant invention pertains is unclear.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-12 and 14-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No. 2001/0034646 issued to Hoyt et al (hereafter Hoyt '646).

Claims 1, 11 and 20:

Hoyt '646 discloses:

- a plurality of storage devices [Fig 1,150]
- each storage device containing web browsing activity information associated with the cookies of a selected subset of the users [Fig 1, 105]
- all the web browsing information for each cookie being stored on a single storage device [paragraph 0065]

Claim 2:

The facility of claim 1 including a data depository device connected to the storage devices, and operable to receive a stream of web browsing activity information from a plurality of web servers [Internet per Fig 1]

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Claim 3:

The facility of claim 2 wherein the data depository is operable to transmit a web browsing activity information and associated cookie to a selected one of the storage devices associated with the cookie [paragraph 0065]

Claim 4:

The facility of claim 1 wherein each storage device is assigned a selected range of cookie values, and web browsing activity information associated with the selected range in the associated storage device [paragraph 0065]

Claims 5 and 14:

The facility of claim 1 wherein the storage devices are connected to a master computer operable to retrieve data from the storage devices [Central Server, Fig 1, 190]

Claims 6 and 15:

The facility of claim 5 wherein the master computer is operable to analyze the data and generate an output [paragraph 0065]

Claims 7 and 16:

The facility of claim 6 where the output includes a list of a subset of the cookies having a selected web browsing activity attribute [paragraph 0065]

Claims 8 and 17:

The facility of claim 7 wherein the attribute is past activity at a selected web entity [paragraph 0065]

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Claims 9 and 18:

The facility of claim 1 wherein the web browsing activity information is indexed by cookie  
[paragraph 0065]

Claims 10 and 19:

The facility of claim 1 wherein each of the storage devices includes a processor, and wherein the  
processors operate independently of each other [Fig 1]

Claim 12:

The method of claim 11 including receiving a stream of web browsing activity information from  
a plurality of web servers, and transmitting the information to a selected one of the storage  
devices [Internet per Fig 1]

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
manner in which the invention was made.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt '646 in  
view of Pub No. US 2003/0055530 issued to Dodson (hereafter Dodson '530).

Claim 13:

Hoyt '646 discloses the elements of claim 11 as noted above.

Hoyt '646 fails to disclose establishing a selected range of cookie values for each storage  
device, and wherein determining which of a selected plurality of storage devices contains

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information associated with the cookie includes determining which selected range into which the cookie falls.

Dodson '530 discloses establishing a selected range of cookie values for each storage device, and wherein determining which of a selected plurality of storage devices contains information associated with the cookie includes determining which selected range into which the cookie falls [paragraphs 12, 14 and 132].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoyt '646 to obtain the above claim elements as taught by Dodson '530.

The ordinarily skilled artisan would have been motivated to modify Hoyt '646 for the purpose of implementing a limited form of targeted advertising over the Internet [paragraph 13]

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

August, 20, 2003 

  
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